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*Attorney for Defendants U.S. EPA and its
 Administrator*

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAYKEEPER; SAVE
 THE BAY; COMMITTEE FOR GREEN
 FOOTHILLS; CITIZENS' COMMITTEE
 TO COMPLETE THE REFUGE; and STATE
 OF CALIFORNIA, by and through
 XAVIER BECERRA, ATTORNEY GENERAL,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
 AGENCY AND ITS ADMINISTRATOR,

Defendants,

REDWOOD CITY PLANT SITE, LLC,

Intervenor-
 Defendants.

Case No: 3:19-cv-05941-WHA (lead case)

Consolidated with

Case No: 3:19-cv-05943-WHA

**NOTICE OF FILING CERTIFIED
 ADDENDUM TO THE
 ADMINISTRATIVE RECORD**

On March 4, 2020, the defendants, United States Environmental Protection Agency and its Administrator (collectively, "EPA"), filed the certified index to the administrative record for purposes of judicial review of EPA's March 1, 2019 special-case Clean Water Act jurisdictional determination pertaining to 1,365 contiguous acres comprising the Redwood City Salt Plant site in Redwood City, San Mateo County, California. *See* Notice of Filing Certified Index to the Administrative Record (ECF No. 53). In addition, the United States acknowledged this Court's direction concerning a privilege log, but explained that under the definition of the administrative record applied by EPA here, "deliberative documents . . . are not part of the administrative record and therefore need not be listed on a privilege log." *Id.* at 2 (citing, *inter alia*, *San Luis Obispo*

1 *Mothers for Peace v. Nuclear Regulatory Commission*, 789 F.2d 26, 44-45 (D.C. Cir. 1986) (en
 2 banc)); *see also Oceana v. Ross*, 920 F.3d 855, 865 (D.C. Cir. 2019) (holding that
 3 “[p]redecisional deliberative documents are not part of the administrative record to begin with,”
 4 and “do not need to be logged” in a privilege log “as withheld from the administrative record”).

5 The present Notice, which incorporates by reference the March 4, 2020 filing (ECF No.
 6 53), notifies the Court and counsel of nine additional administrative record documents that EPA
 7 recently discovered were inadvertently omitted from EPA’s original certified index to the
 8 administrative record. All nine of these documents were cited in EPA’s March 1, 2019 decision.

9 Attached here are: (1) an updated certification by the appropriate EPA official; and (2) the
 10 certified addendum to the administrative record. By separate cover, EPA has served all counsel
 11 of record with all of the documents contained in the administrative record (including the nine
 12 documents referenced herein).

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 14 Dated: March 12, 2020

Respectfully submitted,

15 /s Andrew J. Doyle

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